

REMARKS

Applicant acknowledges and appreciates that the Examiner has withdrawn the rejections in the previous Office Action dated May 15, 2007. Applicant also acknowledges and appreciates that the arguments provided by Applicant were deemed persuasive and new grounds of rejections have been provided in the present Office Action in view of U.S. Patent No. 5,881,102 (***Samson***).

Claims 2-32, 35 and 36 are pending in the application. Claims 2-32, 35 and 36 are rejected. The Examiner relies on the combination of at least ***Samson*** (US 5,881,102) and ***Wiese*** (US 6,434,119) to reject all of the claims. Applicant respectfully traverses the Examiner's rejection.

Claim 2 is directed to a method that calls for establishing a communication channel between a first transceiver and a second transceiver in low power mode; determining, at the first transceiver, a training parameter in response to establishing the communication channel in the low power mode; performing training, at the first transceiver, based at least on the training parameter; and providing the training parameter that is used in training of the first transceiver to the second transceiver.

Even though the Examiner purports to reject claim 2 under 35 USC §103 based on the combination of ***Samson*** and ***Wiese***, a closer inspection reveals that the Examiner has failed to establish a prima facie case of obviousness. It is well-established patent law that the claimed combination must teach each and every feature of the claim. As explained below, each of the cited references, when considered alone or in combination, fails to disclose all of the claimed features.

For example, claim 2 calls for (1) determining, at a first transceiver, a training parameter (2) performing training based on that parameter at the first transceiver and (3) providing the training parameter that is used for training by the first transceiver to the second transceiver. The Examiner argues that ***Samson*** discloses determining a training parameter at the first transceiver insofar as it discloses training “by flagging for software or through flip flop for hardware.” See Office Action, p. 2. However, neither flagging of the software or a flip flop of the hardware is provided to the second transceiver, as called for by claim 2. The Examiner’s rejection is flawed for at least this reason.

The Examiner also appears to suggest that the “state signal” in ***Samson*** corresponds to a “training parameter” of claim 2. See Office Action, p. 3. The Examiner’s rejection is erroneous for several reasons. First, the “state signal” in ***Samson*** is not used to perform training. Rather, as explained in ***Samson***, this signal is used to indicate to a modem that a low power mode is being entered and that the components of the modem should be shut down. See ***Samson***, 6:43-47 (stating that the state machine 64 sends a “signal over data path to the remainder functional units of the modem, namely the DSP and microprocessor, that a low power mode is being entered and thus those components must shut down”). The training in ***Samson*** occurs in high power mode, not low power mode, which is what claim 2 calls for. See ***Samson***, 4:19-22 (stating that high compute power (that is, a high power mode) is required when the modem is...continually training its heuristic compensation functions.”) (emphasis added). Because the training in ***Samson*** occurs in the high power mode, the “state signal” (which is used to indicate a low power mode) is not and cannot be a “training parameter” of claim 2.

Finally, the “state signal” in ***Samson*** cannot correspond to the “training parameter” of claim 2 for an additional reason. This is because the “state signal” in ***Samson*** is not sent to the

second modem, whereas claim 2 calls for providing the training parameter to the second transceiver. The Examiner cites to col. 5, lines 51-53 from **Samson** in support of his position. The cited passage states that a state signal is sent to a remote device (not a remote modem). The reference to the “remote device” is to the various devices (or components) (such as a DSP and microprocessor) of a given modem, and not to a remote modem, as the Examiner alleges. For example, **Samson** describes, at col. 6, lines 43-48, that the “ping pong state machine 64” sends the signal to the remainder of the functional units of the same modem, namely the DSP or the microprocessor of that modem to shut down these components. Thus, contrary to the Examiner’s assertion, the “state signal” is not transmitted from one modem to another, but rather is transmitted within a given modem to shut down various functional components of that modem. Indeed, **Samson** refers to the output of the ping pong state machine 64 as a “power down command.” See **Samson**, 6:48-49 (stating that the “power down command” from the ping pong state machine 64 is supplied to DSP 20). Moreover, one need not look past Figure 3 of **Samson** to confirm that the ping-pong state signal is not transmitted from one modem to another, as alleged by the Examiner. As shown in Figure 3, each modem of the telephone network 14 has its own respective CODEC 48, 51, and each of these CODECs 48, 51 has its own a ping pong 64, 84 for generating the state signal. As such, the “state signal” (“training parameter,” according to the Examiner) is not transmitted from one modem to another. For this additional reason, the Examiner’s reliance on **Samson** is erroneous. The other references cited by the Examiner do not cure the deficiencies of **Samson**.

Claim 2 and its dependent claims are thus allowable for at least the reasons presented above. Additionally, the other pending claims, to the extent they call for one or more of the above-noted missing features, are also allowable for these reasons.

Reconsideration of the present application is respectfully requested. In light of the arguments presented above, Applicant respectfully asserts that all claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

The Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064.

Respectfully submitted,

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